

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

DZ BANK AG DEUTSCHE ZENTRAL-
GENOSSENSCHAFTSBANK,
FRANKFURT AM MAIN, NEW YORK
BRANCH,

Plaintiff,

v.

JANICE SOTO,

Defendant.

EP-10-CV-447-PRM

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WESTERN DISTRICT OF TEXAS
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DEFAULT JUDGMENT

On this day came on to be heard and considered the claim of Plaintiff, DZ BANK AG DEUTSCHE ZENTRAL-GENOSSENSCHAFTSBANK, FRANKFURT AM MAIN, NEW YORK BRANCH, ("DZ Bank"), against JANICE SOTO ("SOTO"). DZ BANK appeared by and through its attorney of record. Defendant, although duly cited, failed to appear. The Court determined it had jurisdiction over the subject matter and the parties to this proceeding. DZ BANK moved for default judgment and after considering the pleadings and papers on file in this case, as well as the evidence DZ BANK presented on damages and attorney's fees, the Court finds:

1. DZ BANK filed their claim in this suit on December 1, 2010.
2. JANICE SOTO was personally served with process in this matter on January 12, 2011.
3. JANICE SOTO received service of the Plaintiff's Complaint and Citation as evidenced by the certification of return of citation, a copy of which has been on file with the Court for more than 10 days.

4. JANICE SOTO, having been duly served, failed to appear and answer on her behalf, and has wholly made default.

5. JANICE SOTO possesses two last known mailing addresses (i) 5815 Timberwolf Dr., C1, El Paso, Texas 79903 and (ii) 8605 Mercury St., Apt. A, El Paso, Texas 79904-2736.

6. The Court reviewed the evidence of damages presented by DZ Bank and the amount thereof. In addition to damages, DZ BANK requested the Court grant reasonable attorney's fees and filed an affidavit proving attorney's fees of \$2,500.00.

7. After hearing evidence the Court finds that DZ BANK has been damaged in the amount of \$309,541.13.

9. After considering the pleadings on file with the Court, the evidence presented by DZ BANK and arguments of counsel, the Court opined that DZ BANK's application for Default Judgment should, in all things, be granted.

THEREFORE, the Court grants DZ BANK's application for Default Judgment against JANICE SOTO.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that DZ BANK recover damages from JANICE SOTO in the amount of \$309,541.13; plus attorney fees in the amount of \$2,500.00 for a total judgment in the amount of \$312,041.13; plus cost of court with interest thereon at the rate of 6.75% per annum from date of this judgment, and that execution issue for this judgment.

The Court denies all relief not expressly granted.

Signed on this 31 day of March, 2011.


UNITED STATES DISTRICT CLERK